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6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 COPPLE ET AL,

10 Plaintiff,

No. C 05-03961 JSW

11 v.

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE
DISMISSED**

12 ASTRELLA & RICE, P.C. ET AL,

13 Defendant.
14 _____/

15 Plaintiffs filed the complaint in the instant case on September 29, 2005. In general,
16 Federal Rule of Civil Procedure 4(m) requires service of the summons and complaint on
17 defendants within 120 days, unless that time is extended on a showing of good cause. Pursuant
18 to Rule 4(m), “the court, upon motion or on its own initiative after notice to the plaintiff, *shall*
19 dismiss the action without prejudice” as to any defendant not served within the 120 day period
20 “or direct that service be effected within a specified time.”


21 On January 27, 2006, the day Rule 4(m)’s 120 day period expired, Plaintiffs sought an
22 additional 45 days in which to serve the complaint. That request was granted on January 30,
23 2006. The additional 45 day period expired as of March 16, 2006, and there is no indication that
24 Defendants have been served, nor have there been any further requests for extensions of time.

25 Accordingly, Plaintiffs are ORDERED TO SHOW CAUSE why this case should not be
26 dismissed without prejudice for failure to serve the Defendants within the time period provided
27 by Rule 4(m) and the additional time granted by the Court. Plaintiff shall file a written response
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1 to the Court by no later than April 14, 2006.

2 **IT IS SO ORDERED.**

3 Dated: March 28, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE